

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(s): KOSKI ET AL. CONF. NO. 2231
SERIAL NO.: 09/019,614 ART UNIT: 2614
FILING DATE: 6 FEBRUARY 1998 EXAMINER: Mei Xu
TITLE: METHOD FOR SETTING AUDIO PARAMETERS IN A DIGITAL
SIGNAL PROCESSOR IN AN ELECTRONIC DEVICE, AND
ELECTRONIC DEVICE
ATTORNEY
DOCKET NO.: 490-007777-US (PAR)

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELANTS' REPLY BRIEF

(37 C.F.R. §41.41)

This is in response to the Examiner's Answer mailed 20 January 2011. It is noted that the Examiner's Answer mailed 20 January 2011 is exactly the same as the prior Examiner's Answer mailed 15 April 2008 but for the inclusion of the status of the After Final Amendments made by Applicant on 13 February 2007, the corrected Advisory Action of 8 March 2007 and the IDS form 1449 indicating references that have been considered by the Examiner.

In view of the above, the arguments made by the Applicant in the Reply Brief dated 16 June 2008 are herein repeated below in response to the Examiner's Answer mailed 20 January 2011.

The Examiner has argued in section 2, pages 2 and 3, and section 10, pages 8 and 9, of the Examiner's Answer that since the audio parameters in Piosenka are being generated in the auxiliary device (PC), they therefore relate to the audio properties of the auxiliary device, as

recited in the independent claims. It is submitted that this is incorrect since it is entirely possible that a first device can generate parameters that relate to the audio properties of a second device and in no way relate to, or are used by, the first device. In Piosenka, there is no disclosure that the PC generated audio parameters relate to the audio properties of itself since mere generation is not relation.

Claim 1 also recites that at least some of the audio parameters from the auxiliary device are loaded into the mobile device and using the parameters during operation of the mobile device when the auxiliary device is connected. The remaining independent claims have similar limitations.

The Examiner has argued in section 3, page 2, and section 10, page 8, that this is disclosed by Col. 6, lines 43-47, of Piosenka. However, while loading of audio parameters is disclosed therein, nothing is there disclosed about using the parameters during operation of the mobile device when the auxiliary device is connected.

Wong also fails to disclose the above-discussed claim limitations. There is no disclosure of an auxiliary device having audio parameters relating to the audio properties of the auxiliary device. Further, there is no disclosure of loading at least some of the audio parameters from the auxiliary device into the mobile device and using the parameters during operation of the mobile device when the auxiliary device is connected. Thus, combining Piosenka with Wong does not result in the claimed invention.

It is respectfully submitted that all of the claims, as presented, are clearly novel and patentable over the prior art of record. Accordingly, the Board of Appeals is respectfully requested to favorably consider the rejected claims and to reverse the final rejections, thereby enabling this application to issue as a U.S. Letters Patent.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 16-1350.

Respectfully Submitted,



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Date

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